

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 404 of 1991
WITH
CIVIL APPLICATION NO.2951 OF 1991

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BIJNATH S PATHAK

Versus

TULSIDAS M ACHARYA

Appearance:

MR RAVI R TRIPATHI for Appellant

MR BHARAT J SHELAT for Respondent

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 14/02/97

ORAL JUDGEMENT

1. Heard the learned counsel.
2. This is an appeal under Order 43, Rule 1, CPC, challenging the rejection of the appellant-defendant's application for setting aside the impugned judgement and decree, under Order 9, Rule 13, CPC.

3. As a result of the hearing and during the course thereof, learned counsel for the appellant stated that the very same judgement and decree has been challenged by a regular First Appeal under section 96, CPC. Under the circumstances he seeks permission to withdraw the present appeal with a request to extend the interim relief granted in the Civil Application, in order to proceed further with the regular appeal.

4. Permission granted. The appeal stands disposed of as withdrawn with no order as to costs.

5. The interim relief granted in the Civil Application is extended upto 27th March 1997, on which day the same shall stand vacated ipso facto without further orders. Rule is discharged in Civil Application with no order as to costs.
